

Remarks

Applicant respectfully requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-28 are pending in the present application, with Claims 1, 14, and 25-28 being independent.

Editorial changes have been made to Claims 26 and 28. No new matter is believed to have been added.

The specification has been amended to correct minor typographical errors and to improve its idiomatic English form. Favorable consideration is requested.

Claims 1-28 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,664,948 (Dimitriadis, et al.). This rejection is respectfully traversed.

Claim 1 of the present invention relates to a method of scheduling items of information, wherein each item of information has an associated priority which is a function of time. The method comprises three steps:

- (a) scheduling items of information in accordance with the values of the priorities;
- (b) activating a user interrupt in response to user input; and
- (c) rescheduling items of information in accordance with the values of the priorities at a time after termination of the user interrupt.

The invention allows scheduling of information around unpredictable user interaction, such as using the system to browse the Internet. In this regard, the rescheduling step is important because it results in a more flexible system, since each advertisement is prioritized at a particular instant in time rather than being placed in a

queue. The ability to reschedule after a user interrupt avoids long queues and prevents the display of inappropriate items of information. (See specification at page 5, lines 12-15.)

It is submitted that Dimitriadis, et al. contains no disclosure or suggestion of steps (b) and (c) of Claim 1. In particular, there is nothing to suggest rescheduling items of information. Rather, condition lists are scanned for advertisement records that meet the current conditions, and if an advertisement is found that matches a current condition, the advertisement is queued for presentation. (Fig. 8 and column 8, line 59 through column 9, line 5.) Applicant submits that there is no disclosure or suggestion in Dimitriadis, et al. of amending or clearing the queue: once advertisements have been queued for presentation, they will be presented, regardless of whether the appropriate conditions still apply. It is submitted that to infer steps (b) and (c) from the disclosure of Dimitriadis, et al. would be to benefit inappropriately from the hindsight vision afforded by the present application.

Applicant notes that the Office Action cites the same passage of Dimitriadis, et al., column 2, lines 11-17, as suggesting both step (a) and step (c) of Claim 1. However, steps (a) and (c) are distinct, being one step of scheduling information and a distinct step of rescheduling information in accordance with priorities at a time after termination of a user interrupt. It is submitted that the cited passage provides no teaching or suggestion of a rescheduling step after termination of a user interrupt.

At column 8, lines 19-26, Dimitriadis, et al. discloses that processing branches through block 712 where microprocessor 60 queues for presentation the corresponding advertisement. Command processing terminates following block 712. It is submitted that this termination of command processing teaches away from the present invention. As seen, for example, in Fig. 2 of the present invention, there is an ongoing

process of, among other things, checking for an active user interrupt (step 200) and, if one is present, clearing the schedule (step 270), getting or estimating conditions in the next available slot (step 240), and rescheduling advertisements in the schedule (step 260).

The Office Action concedes that Dimitriadis, et al. lacks an explicit recitation of “activating a user interrupt in response to user input . . .”. However, the Office Action asserts that it would have been obvious to a person of ordinary skill in the art at the time of invention that the disclosure of Dimitriadis, et al. would have been selected in accordance with “activating a user interrupt in response to user input”. According to the Office Action, such selection would have provided means to make the processor delivering advertising information more efficient because the advertising information is broadcast only one time and presented multiple times. Respectfully, however, it is unclear how the feature of broadcasting advertising information only one time and presenting information multiple times relates to the non-obviousness or otherwise of the method step of “activating a user interrupt in response to user input”. The broadcast and presenting of information in Dimitriadis, et al. does not suggest the activation of a user interrupt according to the present invention, which is dependent upon a user input.

Applicant notes further that Dimitriadis, et al. does not teach or suggest scheduling items in accordance with values of associated priorities. As described, for example, at column 4, lines 26-29, once advertisements are stored within the device, subsequent conditions or explicit commands trigger presentation of the advertisement. There is no prioritizing of advertisements as taught in the present application, for example, with reference to Figs. 6 and 7 and the corresponding discussion in the specification from page 10, line 19 to page 11, line 2.

In view of the foregoing, it is submitted that Claim 1 patentably defines the present invention over Dimitriadis, et al..

Independent Claims 25 and 27, are, respectively, an apparatus claim and a computer readable medium claim corresponding to the method of Claim 1. It is submitted that Claims 25 and 27 patentably define the present invention over Dimitriadis, et al. for at least the reasons given above with respect to Claim 1.

Claim 14 of the present application discloses a method of displaying items of information on a display apparatus comprising a display unit and a user interface, each item of information having an associated priority which is a function of time. The method comprises the following steps:

- (a) scheduling items of information in accordance with values of the priorities;
- (b) generating a user interrupt in response to a user interacting with the user interface;
- (c) clearing the scheduled items of information in response to the user interrupt;
- (d) estimating a time when the user will finish interacting with the user interface;
- (e) rescheduling items of information in accordance with the values of the priorities at the estimated time;
- (f) repeating steps (d) to (e), if the user is still interacting with the user interface at the estimated time; and
- (g) displaying the scheduled information according to priority, if the user is not interacting with the user interface at the estimated time.

The Office Action concedes that Dimitriadis, et al. lacks an explicit presentation of all of the elements and limitations of Claim 14. However, the Office Action asserts that Dimitriadis, et al. shows elements and limitations of Claim 14. It is submitted that this is not so.

To establish prima facie obviousness of the claimed invention, all of the claimed limitations must be taught or suggested by the prior art.

As discussed with reference to Claim 1, Dimitriadis, et al. does not teach or suggest step (a), scheduling items of information in accordance with associated priority values. Instead, Dimitriadis, et al. describes "automatic presentation" when certain presentation conditions are detected. (See Abstract.)

It is submitted that there is no disclosure or suggestion in the cited art of step (b), i.e., generating a user interrupt in response to a user interacting with the user interface. Dimitriadis, et al. also does not teach or suggest step (c), that is, clearing the scheduled items of information in response to the user interrupt. As discussed above with respect to Claim 1, the method of Dimitriadis, et al. places advertising material in a queue for presentation, but there is no provision for amending or clearing the queued information.

Further, it is submitted that Dimitriadis, et al. does not suggest step (d), estimating a time when the user will finish interacting with the user interface.

With regard to step (e), as discussed with respect to Claim 1, Dimitriadis, et al. places items in a queue and makes no provision for rescheduling the queued items. There is no teaching or suggestion of rescheduling items of information in accordance with the values of the priorities at the estimated time.

Step (f) of Claim 14 teaches repeating steps (d) to (e) if the user is still interacting with the user interface at the estimated time. It is submitted that Dimitriadis, et al. does not teach or suggest repeatedly estimating a time when the user will finish interacting with the user interface and rescheduling items of information if the user is still interacting with the user interface.

The Office Action asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis, et al. would have been selected in accordance with “displaying the scheduled information according to priority, if the user is not interacting with the user interface at the estimated time,” because such a selection would have provided means to make the processor delivering advertising information more efficient since the advertising information is broadcast only one time and presented multiple times. However, even if Dimitriadis, et al. may teach a feature of broadcasting advertising information once but presenting the advertising information multiple times, it does not teach or suggest steps (a) - (g) of Claim 14.

Applicant submits that the prior art does not teach or suggest all the limitations of Claim 14 and, consequently, no prima facie case of obviousness has been established. It is therefore submitted that Claim 14 patentably defines the present invention over Dimitriadis, et al.

Claims 26 and 28 are, respectively, an apparatus and a computer readable medium claim corresponding to the method of Claim 14. It is submitted that Claims 26 and 28 patentably define the present invention over Dimitriadis, et al. for at least the reasons given with respect to Claim 14.

For the foregoing reasons, Applicant submits that the independent claims patentably define the present application over the citation of record.

Moreover, if an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious as well. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed Cir. 1998), cited in MPEP 2143.03.) Applicant’s arguments against

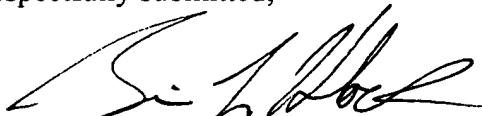
obviousness in the Amendment of November 20, 2002 were directed to the independent claims of the invention. Since separate and individual consideration of the dependent claims, in light of their dependency from the independent base claims and further in view of their additionally recited features, was requested in the previous amendment, Applicant submits that the previous amendment was not silent as to the obviousness rejections of the dependent claims, and therefore did not concede that the claims were obvious.

The remaining claims in the application are dependent claims depending from one of Claims 1 or 14. It is submitted that the dependent claims are allowable over Dimitriadis, et al. for at least the reasons given above with respect to either Claim 1 or Claim 14, and further due to the additional features that they recite. Separate and individual consideration of each of the dependent claims is respectfully requested.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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